

State Major Donor and Independent Expenditure Committees – Q&A

February 5, 2008 Election

1. *If an individual or business entity becomes a major donor or independent expenditure committee during the late reporting period (16 days before the election), when are reports required to be filed?*

A: A contribution or independent expenditure made during the late reporting period may trigger both qualification as a committee and the late reporting requirement. For example, if a corporation contributes \$10,000 to a primarily formed ballot measure committee 10 days before the election in which the measure is on the ballot, the corporation must file a late contribution report (Form 497) within 24 hours and a Major Donor/Independent Expenditure Committee Campaign Statement (Form 461) by the next semi-annual filing deadline. The forms must be filed with the Secretary of State (original and one copy and, if required, electronically), one copy with the City and County of San Francisco, and one copy with the County of Los Angeles. The filing location addresses can be found on the Form 461 instructions. [NOTE: As of January 1, 2008, forms are no longer required to be filed with the committee's county of domicile.]

2. *Must a committee that files the online independent expenditure report within 24 hours during the 90 days prior to the election also file the Supplemental Independent Expenditure Report (Form 465)?*

A: Yes. The online independent expenditure report does not replace, but is in addition to, the supplemental independent expenditure report.

3. *Must a Supplemental Independent Expenditure Report (Form 465) be filed if an independent expenditure supports or opposes multiple ballot measures?*

A: Yes, but only if \$1,000 or more was expended to support or oppose each measure in the independent expenditure. A separate Form 465 must be filed for each measure supported or opposed.

4. *Last year, a business entity contributed to candidates running in a city election and filed reports as a city major donor. This year, the business entity is donating to state candidates and state ballot measures. Where are the major donor statements filed this year?*

A: A major donor committee automatically terminates at the end of each calendar year. A prior year's filing requirement does not affect the current year's filing requirement. A major donor making contributions to state candidates and measures files with the Secretary of State, City and County of San Francisco, and the County of Los Angeles.

5. *In 2007, a corporation made a \$6,000 contribution to a primarily formed ballot measure committee for the February 5, 2008 election. In 2008, it made an additional \$6,000 contribution to the same committee. No other contributions or independent expenditures will be made. What are the corporation's filing requirements?*

A: The corporation has not qualified as a committee and no Form 461 is required. A prior year's contributions are not counted for purposes of qualifying as a major donor committee.